



Kazakhstan

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The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev is the dominant political figure. The Constitution permits the President to dominate the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution are nearly impossible without the President's consent. President Nazarbayev was elected to a new 7-year term in a 1999 election that fell far short of international standards. A June 2000 law allows the President to maintain certain policy prerogatives and a seat on the National Security Council after he leaves office. The Constitution limits Parliament's powers by precluding it from appropriating state money or lowering taxes without executive branch approval. However, Members of Parliament (M.P.'s) have the right to introduce legislation, and some bills introduced by M.P.'s have become laws. Parliamentary elections held in October 1999 were an improvement on the presidential election but still fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE). During the year, experimental local akim (governor) elections were held in some rural areas; the OSCE and other international observers also criticized these elections as falling short of international commitments. The judiciary remained under the control of the President and the executive branch.

The Committee for National Security (KNB) is responsible for national security, intelligence, and counterintelligence. The KNB also plays a law enforcement role in border security, internal security, and antiterrorism efforts, and oversees the external intelligence service, Barlau. The chairman of the KNB reports directly to the President. The Ministry of Interior (MVD) supervises the criminal police, who are poorly paid and widely believed to be corrupt. The KNB continued efforts to improve its public image by focusing on fighting government corruption, religious extremism, terrorism, illegal arms exports, and organized crime. Members of the security forces committed human rights abuses.

The country has a total population of approximately 15 million, and is rich in natural resources, particularly petroleum and minerals. The Government has made significant progress toward a market-based economy since independence; it successfully has privatized small- and medium-sized firms and many large-scale industrial complexes and has attracted significant foreign investment, primarily to the energy and minerals sectors. The agricultural sector, which represents approximately 10 percent of gross domestic product (GDP), has been slower to reform, because the Government has not established a legal basis for private agricultural land ownership. The average monthly wage in June was \$117 (17,288 tenge) compared with an average monthly wage in 2000 of \$95.14 (13,521 tenge). According to official data, 32 percent of the population lived below the minimum subsistence level in 2000, compared with 34 percent in 1999. Favorable world commodity prices in 2000 and during the year, as well as low inflation, a stable exchange rate, and signs of recovery in local industries, resulted in a GDP growth of 9.6 percent in 2000, from \$1,135 in 1999 to \$1,225 in 2000. Inflation has been under control and was 9.8 percent in 2000. Real GDP growth for the year is expected to be 10.2 percent, while annual inflation is forecast at approximately 7 percent.

The Government's human rights record was poor; although there were significant improvements in a few areas, serious problems remained. The Government severely limits citizens' right to change their government and democratic institutions remained weak. Members of the security forces committed a small number of extrajudicial killings during mistreatment of detainees and abuse of military conscripts. Police tortured detainees in the form of beatings, and otherwise mistreated detainees. In June the head of the Prosecutor General's office admitted to increasing instances of physical abuse of subordinates. Prison conditions remained harsh and life-threatening; however, the Government took an active role in efforts to improve prison conditions and the treatment of prisoners, and observers have noted significant improvements in prison conditions. The Government continued to use arbitrary arrest and detention, and prolonged detention was a problem. The judiciary remained under the control of the President and the executive branch, and corruption

in the judiciary remained deeply rooted. The Government infringed on citizens' privacy rights.

There were instances when the Government harassed and monitored independent and opposition media, and as a consequence, many journalists practiced self-censorship. In April the Parliament approved amendments to the media law that expand the liability of media outlets, treat Web sites as media outlets and limit direct rebroadcast of foreign media. The Government imposes some restrictions on freedom of assembly and imposes restrictions on freedom of association. At times the Government harassed those whom it regarded as religious extremists. There were some limits on freedom of movement, although the Government took significant steps to improve this freedom. Some human rights monitors reported that the Government monitored their activities.

Violence against women, including domestic violence was a serious problem. There was discrimination against women, persons with disabilities, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Child labor persisted in agricultural areas. Trafficking in women and children, primarily teenage girls, was a problem and local nongovernmental organizations (NGO's) accused some customs and border officials of complicity in trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful deprivation of life

There were no reports of political killings by the Government or its agents; however there were deaths in custody and deaths in the military as a result of mistreatment (see Section 1.c.).

During the year, members of the security forces killed a conscript. Military hazing remained a problem. In July an army soldier near Almaty hanged himself; his parents alleged that he was beaten repeatedly during his military service. In August a military officer was convicted of beating to death a 20-year-old private in the border patrol; the officer attempted to conceal the beating and claimed that the death was the result of a snakebite. Information on the total number of deaths in the military was unavailable at year's end.

In 2000 the Government began a program to improve the training of military forces on social and legal issues in order to reduce hazing (see Section 1.c.). There have been reports of prosecution for hazing; however, details generally were not available.

Harsh prison conditions led to the deaths of some persons in custody, many from disease (see Section 1.c.). The Vice Minister of Interior confirmed that two prisoners died at a pretrial detention center in Petropavlovsk during the year. An investigation by the Presidential Commission on Human Rights concluded that one death was a suicide by hanging, and one was a heart attack.

On November 3, Kanat Biyembetov died in a Turkestan hospital following his October 26 arrest by the KNB for suspicion of being a member of an extremist group (see Section 1.c.).

In July 2000, Kairat Sabdenov, the son of a M.P. died from internal injuries he sustained during an alleged police beating in Kokshetau after he had been detained following a car accident. In April the driver of the other car (a civilian) was found guilty of inflicting grave injuries, which the court stated, resulted in Sabdenov's death. Five police officers were charged with improper performance of their duties in connection with the alleged beating, but none were convicted.

In April 2000, a man named Bekov died in a hospital from injuries he claimed to have sustained when police in Almaty detained and beat him. In April 2001, the Prosecutor's office opened a case against an employee of the regional Internal Affairs Department. On June 11, the employee of the Internal Affairs Department was acquitted based on his own rehabilitation. At year's end, the Prosecutor General's Office was reviewing the decision of the local court in this case.

In March 2000, Ivan Prokopenko died in a detention center in Aktobe, after having been arrested 2 months earlier on suspicion of having stolen some wooden poles. Human rights monitors reported that the boy's parents and a doctor who examined the boy's body found evidence of brain trauma, burns, and cuts. In October 2000, the Aktobe city prosecutor found that Prokopenko had died from head injuries suffered when he

slipped and fell, hitting his head on the concrete floor, the chairman of the Presidential Commission on Human Rights reiterated this finding at hearings before the U.N. Committee on Torture.

According to press reports, a criminal case was brought against a police sergeant in Makhtaaralsk (Shymkent Oblast) for the 1999 beating death of a 24-year-old man, Nurzhan Saparov, who was in custody following his arrest for disturbing the peace. Reportedly, four other police officers charged with responsibility for his death in 2000 also were awaiting trial; however, no new information was available on their case.

On May 23, the body of Dilbirim Samsakovaya, director of a charitable Uyghur foundation and a well-known Uyghur community activist was found in a river outside of Almaty. An investigation into her murder was ongoing at year's end. Police believe that the killing was related to Samsakovaya's personal or business dealings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution states that "no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity;" however, police tortured, in the form of beatings, and otherwise abused detainees, often in order to obtain confessions. Law enforcement officers participating in a government conference on pretrial detention facilities noted that beatings by officials were common in such facilities (see Section 1.d.). Prison officials beat and mistreated prisoners. Unlike in the previous year, there were no reports of police beating peaceful protesters (see Section 2.b.).

On November 3, Kanat Biyembetov died in a Turkestan hospital following his October 26 arrest by the KNB for suspicion of being a member of an extremist group. According to signed statements by Biyembetov and his family, he was beaten by the arresting KNB officers. The KNB officers alleged that Biyembetov sustained his injuries when he jumped from a moving police car. An investigation conducted by the Military Prosecutor's Office, at the request of Biyembetov's family, concluded that Biyembetov had died of kidney failure. Human rights monitors believe that this was a well-documented case of beating, and that the injuries received from the beating directly contributed to Biyembetov's death.

Government officials acknowledged the seriousness of the problem of police abuse and undertook some efforts to combat it. According to the Prosecutor General in 2000, disciplinary measures were taken against 6,317 officers of governmental investigative agencies for violating individuals' constitutional rights. Prosecutors brought criminal charges against 107 police officers for the unlawful use of physical force against citizens in 2000 and disciplinary actions were taken against hundreds more. Human rights observers believe that these cases cover only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police are very low, and individual law enforcement officials often were supervised poorly.

Almaty authorities initially brought criminal charges against two policemen for beating opposition activist Aleksei Martynov in custody in 1999; however, the charges were dropped. Martynov claims that he continued to receive threatening telephone calls, which forced him to leave the country in June. At year's end, he remained abroad. No arrests were made in connection with the assault against opposition activist Andrei Grishin in November 1999, shortly after he published a newspaper article critical of a new museum dedicated to the President; the case was closed at year's end. On June 25, while working on election reform advocacy, Andrei Grishin alleged that the Minister of Internal Affairs, Colonel Bektassov, approached him in front of Grishin's apartment building, asked if he remembered the 1999 beating, and cautioned him to "behave himself." According to Grishin, Bektassov previously had called him into the police station to issue such warnings on several occasions.

The authorities have taken no action against police who allegedly beat 70 members of an Islamic group from Taraz who were detained temporarily in 1999.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse (see Section 1.a.). No statistics were available on the extent of the problem. The Army launched a campaign to punish violators of an antihazing policy, and the Government occasionally has taken action against officials charged with abuses, often levying administrative sanctions such as fines for those found guilty.

In June 2000, the official press reported that customs and border officials were under investigation for possible

complicity with a trafficking ring in the southern part of the country; however, no charges were brought against any officials as of year's end (see Section 6.f.).

On January 30, two individuals stabbed Platon Pak, Karaganda leader of the opposition Azamat Party, four times. They had gained entrance to Pak's home by claiming to be acquaintances of Peter Svoik, cochairman of the Azamat Party. Pak stated that the individuals told him the Azamat Party was "getting in the way" and to tell Svoik to stop his activities. On December 3, the Presidential Commission on Human Rights stated that their investigation uncovered no information connecting the crime to Pak's political activity.

On March 1, five unidentified individuals beat Gulzhan Yergaliyeva, television journalist and People's Congress Party deputy chairperson, and her family, and stole grant money from a home safe (see Section 2.a.). Yergaliyeva's weekly television program often airs opposition opinions; human rights monitors alleged that the attack was politically motivated. In April police detained a suspect in the case; however, Yergaliyeva could not positively identify him as one of the assailants. The suspect remained in jail at year's end because he had been convicted of other unrelated crimes.

Information became available during the year that the previously reported death of Kairat Seidakhmetov, a juvenile who slit his throat in a Zhanatas courtroom in April 2000, was false. Both the Presidential Commission on Human Rights and the NGO Kazakhstan Human Rights Bureau stated that the previous information was incorrect, and that the youth did not die from his self-inflicted injuries and is alive.

Prison conditions remained harsh and sometimes life-threatening, although there were some signs of improvements during the year. Some of the instances of mistreatment occur in prisons. Guards, who are poorly paid, steal food and medicines intended for prisoners. Violent crime among prisoners is common. According to the Interior Ministry, during the year there were approximately 70,000 prisoners in facilities designed to hold 60,000. A 2000 amnesty reduced the number of prisoners by more than 26,700; however, overcrowding remained a problem.

Overcrowding, inadequate diet, and a lack of medical supplies and personnel contributed to the spread of tuberculosis and other major diseases. Approximately 9,000 prisoners suffer from tuberculosis. In 2000 a total of 498 prisoners died in penal facilities; more than 200 of these deaths were due to illness, mostly tuberculosis. Another 170 gravely ill prisoners died shortly after being released. In 1999 a total of 384 prisoners died tuberculosis while in custody and 409 were released on humanitarian grounds due to illness and died at home.

Government officials stated that improved treatment undertaken in cooperation with the World Health Organization has reduced the deaths from tuberculosis. There were five tuberculosis colonies and three tuberculosis hospitals for prisoners. The Government's senior prisons official acknowledged that the number of prisoners with AIDS is growing. The number infected reportedly grew from 256 in 1999 to 263 in 2000, although the authorities maintained that the prisoners were infected before being incarcerated. However, experts believed that many cases go unreported.

Prisoners are allowed one 4-hour visit every 3 months, but additional visits may be granted in emergency situations. Some prisoners are eligible for 3-day visits with close relatives once every 6 months.

On May 19, 15 inmates at the Semipalatinsk Prison No. 156/14 committed acts of self-mutilation, slitting their wrists and driving nails into their chests and backs, to protest prison conditions. The inmates demanded the closure of solitary confinement cells, the removal of some prison officials, and free movement within the prison grounds. There were no reports of a formal investigation; however, the prison administrator was fired as a result of the protest.

In September two officials at the Ust-Kamenogorsk Prison 156/2 were charged and convicted with abuse of power for beating prisoners in August 2000. The two received 3-year suspended sentences and 2 years probation, and are ineligible to work for the Government for 3 years.

The prison system consists of pretrial detention centers, penal colonies (including low and medium security facilities, women's and juvenile facilities), and maximum-security prisons.

The Government was active in pursuing penal reform and projects to improve prison conditions. The Government passed legislation in 2000 to transfer authority over prisons from the Interior Ministry to the Justice Ministry in a move intended to further improve prison conditions. The actual transfer of authority is scheduled to be implemented beginning in January 2002.

In March 2000, the MVD opened a training center for penitentiary system employees in Pavlodar. During the year, the Government together with the OSCE and the international NGO Penal Reform International (PRI), undertook projects to provide medical and human rights training to prison officials. The Government, in cooperation with the PRI and the OSCE, expanded the Pavlodar prison personnel training project to Karaganda, Akmola, and East Kazakhstan Oblasts. The PRI has reported a considerable improvement in conditions, food, and medical treatment in Pavlodar. New women's and juvenile facilities, with much improved physical conditions, were being built in the Eastern Kazakhstan Oblast at year's end. In April the Government formed a working group on alternatives to confinement. During the year, the group researched international practice to improve juvenile justice and reviewed legislation and the judicial system as they relate to prisons.

In 2000 the Government announced a general amnesty under which during the year, more than 26,700 prisoners were freed and criminal proceedings were dropped against another 3,450. Juveniles, men, and women are kept in separate facilities.

Although there is no known statutory requirement, human rights monitors and journalists wishing to visit prisons must receive authorization from the MVD; monitors and journalists generally were allowed access to penal colonies, except during protests. Access to pretrial detention centers, which are controlled by the Ministry of Interior, often was denied. Prison administrators are hesitant to allow civilians into the maximum security prisons for reasons of personal security. The Kazakhstan International Bureau on Human Rights and Rule of Law (KIBHR) visited men's, women's, and juveniles' prisons during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, arbitrary detention remained a problem. In October the Government held a seminar on pretrial detention facilities, which included participation from the OSCE and the KIBHR. Law enforcement officials participating in the conference stated that cases of violation of detainees' rights and illegal detentions were common. Law enforcement officials stated that approximately one third of all detainees may have been detained illegally.

Unlike in the previous year, there were no reported cases of the Government using minor infractions of the law related to unsanctioned assembly to arrest and detain government opponents.

Oleg Okhulkov, a lawyer known to provide legal assistance to opposition figures, has been held in pretrial detention since December 18, 2000. Okhulkov was retained by the Rauza company, which was embroiled in a civil suit for the non-fulfillment of a contract with a second firm. The second firm appealed to the MVD to get their money back. The MVD arrested the head of Rauza and Okhulkov for fraud. The International Bureau on Human Rights and Rule of Law has appealed the case to the Prosecutor General's Office, stating that this was a civil rather than criminal case and that pretrial detention was unconstitutional.

The Constitution provides that arrests and detentions may occur only with the sanction of a court or a prosecutor. According to the official Russian-language newspaper *Kazakhstanskaya Pravda*, the Zhambul Oblast Prosecutor General's Office stated that more than 3,500 persons were detained by oblast police without cause in the first quarter of the year. Short (3-hour) and long (72-hour) detentions for "suspicion" were used widely and many individuals were detained for identity checks without suspicion of a criminal offense.

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Code allows continued detention for much longer periods with the approval of the General Prosecutor of the Republic. Lower-ranking prosecutors may approve interim extensions of detention. In practice police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges, and prolonged detention was a serious problem.

The Ministry of Interior administers pretrial detention centers. Local human rights NGO's generally had access to pretrial detention facilities; however, there were reports of some individuals who had difficulty gaining access (see Section 1.c.). Conditions and treatment in pretrial facilities remained harsh, although Penal Reform International noted some positive changes in attitude within the Ministry of Interior. There were more than 4,300 individuals in pretrial detention centers. Law enforcement officials stated that 267 detainees had been held for more than 2 years awaiting trial.

A bail system exists, but it rarely is used. Individuals generally remain in pretrial detention until their trial. During the year, government officials stated that 73 persons were released on bail in the first 8 months of the year, compared with 47 during 2000.

According to the Constitution, every person detained, arrested, or accused of committing a crime has the right

to the assistance of a defense lawyer from the moment of detention, arrest, or accusation (see Section 1.e.). While this right generally is respected in practice, human rights monitors alleged that law enforcement officials have pressured prisoners to use certain attorneys or to refuse the assistance of an attorney, at times resulting in a delay before the accused sees a lawyer. Detainees also may appeal the legality of detention or arrest to the Prosecutor before trial; however, in practice most persons refrain from making an appeal due to fear of reprisal for doing so.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The court system's independence is compromised by legislative, administrative and constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. A presidential decree signed in September 2000 sought to lessen executive branch control of the judiciary by moving responsibility for the courts' administrative support from the Justice Ministry to the Supreme Court; however, the financial change has had no apparent effect on the court's lack of independence.

There are three levels in the court system: Local, oblast (provincial), and the Supreme Court. Local courts try less serious crimes, such as petty theft and vandalism. Oblast courts handle more serious crimes, such as murder, grand theft, and organized criminal activities. The oblast courts also may handle cases in rural areas where no local courts are organized. Judgments of the local courts may be appealed to the oblast-level courts, while those of the oblast courts may be appealed to the Supreme Court. There is also a military court.

According to the Constitution, the President proposes to the upper house of Parliament (the Senate) nominees for the Supreme Court. Specifically nominees are recommended by The Supreme Judicial Council, which includes the chairperson of the Constitutional Council, the chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, Senators, judges, and other persons appointed by the President. The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The list is based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Majilis), judges, public prosecutors, legal experts, and Ministry of Justice officials. The President appoints the Collegium chairman.

Under the law judges are appointed for life, although in practice this means until mandatory retirement at age 65. Under a 1995 presidential decree, the President may remove judges, except members of the Supreme Court or chairmen of judicial collegia, on the recommendation of the Minister of Justice; the Minister's recommendations must be based on findings by either the Supreme Judicial Council or the Qualification Collegium of Justice that the judge failed to, or was no longer capable of, performing his duties. The President can request, based upon recommendations from the Supreme Judicial Council, that the Senate remove members of the Supreme Court or chairmen of judicial collegia, which are judicial councils that judges serve on at the local, city, oblast, and Supreme Court levels.

The Constitution abolished the Constitutional Court and established a Constitutional Council in 1995. The Council rules on election and referendum challenges, interprets the Constitution, and determines the constitutionality of laws adopted by Parliament. The President directly appoints three of its seven members, including the chairman, and has the right of veto over Council decisions. The Council may overturn a presidential veto if at least two-thirds (five) of its members vote to do so. Therefore, at least one presidential appointee must vote to overturn the President's veto in order for the Council to overrule the President. Citizens do not have the right to appeal to the Council regarding the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, chairperson of the Senate, chairperson of the Majilis, Prime Minister, one-fifth of the members of Parliament, or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

The Constitution and the law establish the necessary procedures for a fair trial; however, human rights monitors assert that trials often are not fair in practice. Trials are public with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen must be protected. If a defendant cannot afford an attorney, the Constitution states that the Government must provide one free of charge. Human rights organizations allege that many prisoners are unaware of this provision of the law. The Government's reluctance to provide a lawyer is partly attributed to a shortage of funds to pay court-appointed lawyers to which defendants are entitled. Some lawyers are reluctant to defend clients unpopular with the Government. According to the Constitution, defendants have the right to be present, the right to counsel, and the right to be heard in court and call witnesses for the defense.

Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings are conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. In most cases, these rights are respected; cases involving government opponents frequently are closed.

Corruption is evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors, and other officials solicit bribes in exchange for favorable rulings in nearly all criminal cases. Judges are paid poorly. According to the Minister of Interior, in the first half of the year the Government disclosed 161 cases of bribery among employees of the Justice Ministry, financial police, tax police, and customs. In June the chairman of the Supreme Court revealed that one in four judges had been disciplined and six judges were indicted for corruption in the first half of the year. In a June address to the National Congress of Kazakhstani Judges, President Nazarbayev criticized the judges for sentencing discrepancies, trial delays, corruption, and lack of transparency. The Ministries of Justice and Interior have received additional funding to increase salaries for law enforcement agents and judges. During the year, judges' salaries were raised from less than \$50 (7,000 tenge) per month to approximately \$100 (15,000 tenge) per month. In July the Government established a judicial ethics commission to review complaints and appeals by citizens on violations of judicial ethics.

On February 5, a Shymkent Court tried in absentia, Temirtas Tleulesov, author of a book on official corruption in Shymkent Oblast ("Skymkent Mafia"), and sentenced him to 2 years in prison for hooliganism (see Section 2.a.). The charges stem from a December 1999 incident in Turan Alem bank in which Tleulesov was beaten by bank security personnel. Tleulesov has remained in hiding since the conviction.

On September 6, former prime minister Akezhan Kazhegeldin was tried, convicted, and sentenced in absentia on corruption-related charges. While international human rights organizations and local monitors were not in a position to determine the veracity of charges against the former prime minister, they stated that the procedures followed in the case were not in line with international commitments. On September 7, the OSCE noted in a press release that "the principle of equal rights of both sides involved may have been jeopardized because the trial was held in absentia...It was questionable whether the presumption of innocence was fully observed by mass media and government structures throughout the process." The case against the former Prime Minister appeared to consist primarily of the statement of approximately 80 witnesses, the overwhelming majority of whom were government officials. In an August 23 press article, a KIBHR representative said that the "legality of the case is nonsense--when there are case materials, but no defendant, no simultaneous questioning of witnesses and defendant, and no objections."

On October 4, Nurbulat Masanov was convicted of insulting the honor and dignity of a member of the Alash Party; the conviction was based on an audio recording of unknown origin, which contained an alleged interview with an Itar-Tass correspondent. The correspondent denied that such an interview had taken place (see Section 1.f.).

There were no confirmed reports of political prisoners. Pyotor Afanasenko, allegedly prosecuted and imprisoned for political reasons was amnestied under the Presidential decree (see Section 1.c.). Fellow defendant Satzhan Ibrayev was ineligible for amnesty based on his conduct during imprisonment. Although it appeared that there could be a factual basis for the charges against Afanasenko and Ibrayev, the OSCE and international and domestic human rights observers charged that government prosecution and sentencing of them was motivated politically. Some human rights observers also criticized the authorities for incarcerating Afanasenko and Ibrayev in ordinary prisons rather than in special institutions created to protect former members of the security forces from possible retribution by other prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government infringed on these rights. The Constitution provides that citizens have the right to "confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph, and other messages"; however, the limitation of this right is allowed "in cases and according to procedures directly established by law." The KNB and Ministry of Interior, with the concurrence of the Prosecutor General's Office, interfere with citizens' privacy and correspondence. The Criminal Procedure Code allows for wiretapping or recording of telephone calls without a prosecutor's warrant only in certain urgent cases; in such cases, the Prosecutor shall be notified of the wiretapping or recording within 24 hours and must determine whether the wiretap or recording was legal. Some government opponents reported that the Government monitored their movements and telephone calls. For example, RNP activist Nurbulat Masanov claimed in a public press conference that a tape of unknown origin which contained comments, for which he was found guilty of slander, was made from wiretaps placed on his cellular telephone (see Section 1.e.). In the same press conference, Masanov claimed that his telephone has been wiretapped for 2 years.

Police and the KNB are required to obtain permits from the court or Prosecutor's Office to conduct searches; however, in extraordinary cases when the item they are looking for could be lost, damaged, or used for criminal purposes, they may conduct a search without a permit. In such cases they must notify the Prosecutor within 24 hours.

A central, state-run billing center for telecommunications services, which opened during 2000, was not successful in rerouting services through its network during the year. In practice, the Center receives only monthly statistical information from telecommunications companies, and does not have access to information on individual telephone accounts. The Government initially presented the creation of the center as an attempt to ensure that all telecommunications traffic was being taxed properly; however, NGO's, opposition figures, and human rights monitors expressed concern that the Government would use the center to enhance its ability to monitor telecommunications and control the availability of information on the Internet. Government officials denied that this was their intent.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the media law provide for freedom of speech and of the press; however, there were instances when the Government harassed and monitored independent and opposition media, and as a consequence many journalists practiced self-censorship.

The media law reaffirms the constitutional provision for free speech and prohibits censorship; however, at times the Government takes advantage of the law's vague language to place restrictions on media content. For example, the law prohibits the mass media from "undermining state security" or advocating "class, social, race, national, or religious superiority" or "a cult of cruelty and violence." Under the law, owners, editors, distributors, and journalists may be held responsible for violations. The law on national security gives the Prosecutor General the authority to suspend the activity of news media that undermine national security; however, this authority has never been invoked. A 1999 state secrets law established a list of government secrets, the release of which is proscribed in the Criminal Code. The law defines, for example, certain foreign policy information as secret if "disclosure of this information might lead to diplomatic complications for one of the parties." The list of state secrets enumerated in the law also includes all information about the health, financial, and private life of the President and his family. Also defined as state secrets are basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

The law also requires all media to register with the Government; all print and broadcast media are registered. The new media law defines Internet sites as media outlets and requires that they register.

Amendments to the media law, passed in March, strengthened libel laws, limited the rebroadcast of foreign-produced programming, classified Web sites as mass media, and introduced a requirement that journalists receive permission prior to taping interviews. Specifically, the amendments expanded the concept of libel to make media outlets responsible for the content of reprints or rebroadcast of foreign information, including international press services. The amendments require a graduated reduction in rebroadcast of foreign programming to 20 percent by 2003. In addition, the law requires state bodies and other government organizations to answer journalists' requests for information or provide reasons for a refusal within 3 days. Journalists and NGO's charged that the new amendments restrict free speech and limit access to information. In addition, in April and June, several NGO participants in an National Democratic Institute (NDI) and OSCE-supported campaign against media law amendments were harassed by local law enforcement, prosecutors, finance police, and tax police.

Media laws tend to be enforced selectively. Some outlets have published or aired commentaries highly critical of the Government, its policies, or its leaders without consequence, while others have been brought up on charges based on violation of the media law. NGO'S and human rights activists maintained that the March conviction of Temirtas Tleulesov, author of a book alleging involvement of local authorities in the Shymkent Mafia, on charges of "hooliganism" was an attempt to quiet the author (see Section 1.e.).

The Constitution provides for the protection of the dignity of the President, and the law prohibits insulting the President and other officials. Media outlets generally practice self-censorship regarding information on the President and his family in order to avoid possible legal problems. Most newspapers did not present the ongoing story, widely reported in the western press, about alleged foreign investigations into possible illicit payments by a foreign businessman to President Nazarbayev and two former Prime Ministers.

However, media outlets freely published detailed reports on allegations against Rakhat Aliyev, the President's son-in-law, and first deputy chairman of the KNB. Media outlets favorable to Aliyev claimed that he was conducting an investigation into corruption. In November Aliyev resigned from his position at the KNB and subsequently was appointed by President Nazarbayev to the Presidential Security Service. The Aliyev affair engendered open and in-depth instance of public criticism of the President's immediate family. Aliyev has filed libel lawsuits against Internews, The Globe, Novaya Gazeta, Yevrasia Website, and Aziopa Website; all suits remained pending at year's end.

A libel provision of the new Media Law, which was enacted on April 16, holds owners, editors, distributors, and journalists responsible for content and promotes self-censorship at each level. At times fines for violating the libel law were exorbitant and bankrupted small media outlets. Publishing houses, who also are responsible legally for the information that they publish, were reluctant to publish publications which might contain "undesirable" stories. While these actions are not government initiated, they effectively limit the media's ability to publish strongly critical items.

Human rights activists assert that sometimes libel lawsuits are used to close down opposition media outlets or to silence opposition figures. On April 3, the Zhetisu District court of Almaty found Yermurat Bapi, editor-in-chief of SolDat newspaper and a member of the executive committee of the RNPk, and journalist Karishal Asanov guilty of libel for two articles printed in SolDat in 2000, which addressed corruption and the role of President Nazarbayev in the December 1986 student uprisings in Almaty. Bapi was found guilty of insulting the honor and dignity of the President (a criminal offense) and sentenced to 1 year in prison; however, the conviction fell under the purview of the general amnesty and Bapi did not serve his sentence. Bapi was forced to pay \$275 (40,000 tenge) in court costs and the press run of SolDat in which the articles appeared was destroyed. Asanov was acquitted of charges. In May the oblast court denied Bapi's appeal.

In June three local officials and a close relative of a local official sued the editor of Vecherniy Atyrau newspaper and RNPk party oblast chief for Atyrau, Zhumbai Dospanov, based on four different articles published in his newspaper. In August the City Court of Atyrau found Dospanov guilty of publishing derogatory information against the akim (local governor). Dospanov was ordered to pay \$13,300 (2 million tenge) in compensation. He appealed his case to the Supreme Court; however, at year's end, the Supreme Court had not reached a verdict.

On August 3, the city court of Aktobe found journalist Oleg Adorov guilty of libel and sentenced him to 180 hours of community service. The case was the first in which criminal rather than civil proceedings were brought against a journalist for libel. The criminal proceedings were instituted after Abay Eschanov, a judge in the Alga district court, filed a suit stating that he had been insulted in an article Adorov wrote for Evrika newspaper. The newspaper was fined \$2,000 (300,000 tenge).

The extent of government influence over mass media is not clearly defined. Although the media expressed views that were independent and occasionally highly critical of the Government, the Government used its influence to limit the media's content. Many media outlets considered to be independent are controlled by holding companies, whose controlling investors are not made public. NGO's alleged that most large media outlets are controlled by members of the president's family and close circle of friends through holding companies. However, according to government statistics, there were 1,431 mass media and information agencies in the country as of August 1, nearly 80 percent of which were privately owned. In 2000 a total of 37 new television and radio stations were granted licenses.

In May journalist Andrey Sviridov published findings of a poll conducted among journalists, media experts and representatives of human rights organizations on the media. The majority of those polled stated that they feel the Kazakhstani media market is controlled by Dariga Nazarbayeva (the President's daughter), Rakhat Aliyev (her husband), Timur Kulibayev (another son-in-law of the President) and other "oligarchs." There were no retaliatory actions reported against Sviridov for his publication of the poll results.

According to government statistics, there are 950 privately owned newspapers and 342 privately owned magazines; however, the Government runs the newspapers that appear most frequently (5 times a week) and a number of privately owned media are believed to be controlled by members of the President's family. Many newspapers which nominally are independent, particularly Kazakh-language print media, receive government subsidies. There are a number of newspapers that are produced by government ministries, for example, the Ministry of Science publishes Kazakhstan Science. Each major city has at least one independent weekly newspaper. There are 11 major independent newspapers in Almaty.

The Government took measures to harass two publications that were affiliated with one of the opposition parties. In January 2000, a court in Ust-Kamenogorsk ordered the local HBC-Press newspaper to suspend publication for 3 months. The court found, and an appeals court subsequently upheld, that the newspaper had

violated the media law by publishing an article calling for the overthrow of the country's constitutional system. The article in question contained a public appeal from the leader of a Russian nationalist group arrested in November 1999 for plotting to overthrow the local government in Ust-Kamenogorsk. The newspaper had received a copy of the appeal at a news conference attended by other local media. The editor of HBC-Press asserted that representatives of the KNB at the press conference did not warn journalists not to publish the press release. HBC-Press went out of business without resuming publication after the court-ordered suspension. On October 6, 6 months after its last publication, the newspaper SolDat was forced to close due to its inability to publish, which resulted in a loss of the newspaper's license. Throughout the year, the newspaper encountered various problems including currency regulation violations, lack of money for additional issues, and the refusal of local publishing houses to publish the July 6 issue dedicated to the President's birthday.

The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. In addition, many publishing houses are government owned. Some journalists have alleged that the KNB or tax police threaten publishing houses if they print opposition media; concern over criminal or civil proceedings has influenced publishing houses. In April Yermurat Bapi, editor-in-chief of the independent newspaper SolDat and member of the executive committee of the opposition RNP party, alleged that the his newspaper was forced to cease publication for 8 months because all local publishing houses had refused to print the newspaper. Unlike in the previous year, there were no reports of tax police seizing newspapers from printing houses during investigations.

The Government controls nearly all broadcast transmission facilities. There are 45 independent television and radio stations (17 television stations, 15 radio stations, and 13 combined television and radio stations). Of these, 11 are in Almaty. There are only two government-owned, combined radio and television companies; however, they represent five channels and are the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broadcasters have arranged with local administrations to use the majority of these. An organization of electronic media, the Association of Independent Electronic Media of Central Asia (ANESMI), exists, but it is divided and weak. In August the Khabar agency, managed by Dariga Nazarbayeva, took over control of the state-share in the national television and radio station.

In October members of parliament, led by Majilis Deputy Tolen Tokhtasynov, spoke out about what they called "monopolization in the media market." According to Tokhtasynov, first deputy chairman of the KNB, Rakhat Aliyev, effectively controls, or actually owns, the country's largest media holding company. The holding company allegedly includes KTK, NTK, and ORT television channels; Yevropa Plyus, Hit FM-Khabar, Russkoye radio, and Radio Retro-Karavan radio stations; and Novoye Pokoleniye and Karavan newspapers. Television station KTK immediately refuted Tokhtasynov's allegation that the station is controlled by Aliyev, stating that Aliyev is not a shareholder, co-owner, owner, or member of the board of directors of the station.

The law restricts alcohol and tobacco advertising on television. The 1999 media law prohibited violence and all "pornography" from television broadcasts.

On November 27, the President urged private domestic media to create a code of ethics. The President referred to what he called "a war" between oligarchs in the media and stated that he would apply "draconian" measures against the private media through Parliament if the situation continued.

In February television journalist and commentator Gulzhan Yergaliyeva and her family were beaten during an attempted robbery (see Section 1.c.). Yergaliyeva and other journalists asserted that the beating was a warning that Yergaliyeva's television program "Social Agreement" had become too critical of government policies.

The new media law defines Kazakhstan-based Web sites as a media outlet. Human rights monitors maintained that this provision of the media law may lead to government restrictions on Web site content. Clients of the two largest Internet providers, Kaztelecom and Nursat, periodically were blocked from direct access to the opposition Evrasia Web site, although access was still available through proxy servers. In September human rights monitors alleged that Kaztelecom and Nursat users were unwittingly viewing a "mirror site" of the opposition Cvrasia page. On the "mirror site" users view a page that mimics the original, but without material highly critical of the Government. The opposition Website Aziopa was blocked by both Internet providers at the time of publication.

Academic freedom is generally respected; however, as is the case for journalists, academics cannot violate certain restrictions, such as criticizing the President and his family. In March a part-time professor who was on sabbatical from Karaganda State University to participate in a lobbying campaign against amendments to the media law, was asked to resign after the Karaganda prosecutor's office ordered an investigation of her NGO. According to the activist, the Prosecutor's office questioned her extensively about the source of her funding,

which was the NDI. No charges were brought against the NGO. Course topics and content generally are subject to approval by university administrations. There were reports that university students in private, as well as in state universities, sometimes had to pay bribes for admission and to get good grades.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for peaceful assembly; however, the Government and the law impose significant restrictions on this right. The law on national security defines as a threat to national security "unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes" that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits; however, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They also reported that local authorities, especially those outside the largest city, Almaty, turned down most applications for demonstrations in central locations. During the year, certain religious groups repeatedly were denied permits for conventions or large public gatherings (see Section 2.c.).

Peaceful political demonstrations at the parliament building, the presidential administration building, and foreign embassies were permitted during the year. Unlike the previous year, no demonstrators were detained and for the most part, law enforcement authorities did not interfere in the demonstrations or take action against the individuals who participated; however, there were some exceptions. Organizers of unsanctioned gatherings, including religious gatherings, frequently were fined (see Section 2.c.).

On September 25, women from the Baidibek district of South Kazakhstan Oblast held a protest outside of the parliament building in Astana to demand the payment of overdue family allowances dating back to 1997; they had threatened to commit collective suicide if those allowances were not paid.

The Constitution provides for freedom of association; however, the Government and the law impose significant restrictions on this right. Organizations that conduct public activities, hold public meetings, participate in conferences, or have bank accounts must be registered with the Government. "Membership organizations," such as churches, religious groups, or political parties, must register in each of the 14 provinces where they have active members, whereas "nonmembership organizations," such as NGO's, must register only at the national level. Registration at the local level requires a minimum of 10 members and on the national level, a minimum of 10 members in at least 7 of the 14 oblasts. In addition, a registration fee of \$135 (19,845 tenge) is required. Most organizations must hire lawyers or other consultants to expedite their registrations through the bureaucracy, which increases the registration cost by approximately \$200 (29,400 tenge). Some groups consider these costs to be a deterrent to registration. According to government regulations, registration is supposed to be granted within 15 days; however, according to local NGO's, registration often takes 1 month to a year because the Government may return applications for additional information or require investigations into certain portions of the application. There have been numerous cases of the activities of religious groups being suspended pending registration (see Section 2.c.).

The Constitution prohibits political parties established on a religious basis. The Government also has refused to register ethnically based political parties on the grounds that their activities could spark ethnic violence; however, the small Kazakh ethnic nationalist "Alash" Party was registered for the 1999 parliamentary elections. In February the Government refused registration to a newly established ethnic-Russian party; the propresidential Civic Party stated that the creation of an ethnic-Russian party would have "an adverse effect on interethnic stability." The Constitution bans "public associations"--including political parties--whose "goals or actions are directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state (and), fanning of social, racial, national, religious, class, and tribal enmity." All of the major religious and ethnic groups have independently functioning cultural centers.

To participate in elections, a political party must register with the Government. The Government has registered a total of 7 new parties in addition to the 10 registered that participated in the 1999 parliamentary elections. At least three parties registered in 1999 were viewed widely as opponents of President Nazarbayev. Under the law, a party must submit a list of at least 3,000 members from a minimum of 9 oblasts (the cities of Almaty and Astana count as oblast-equivalents in addition to the 14 oblasts for this purpose). The list must provide personal information about members, including date and place of birth, address, and place of employment. For many citizens, the requirement to submit such personal data to the Government inhibits them from joining political parties.

Membership in political parties or trade unions is forbidden to members of the armed forces, employees of

national security and law enforcement organizations, and judges.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations (see Section 6.a.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the various religious communities worship largely without government interference; however, the Government's concerns about regional security threats from alleged religious extremists led it to encourage local officials to limit the practice of religion by some nontraditional groups.

The Constitution defines the country as a secular state. The Government invited the national leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. Some members of other faiths, including Muslims not affiliated with the national Muslim organization headed by the Mufti (the national leader of Islam), criticized the Government's inclusion of the Mufti and archbishop in state events as official favoritism and a violation of the Constitutional separation of church and state; however, leaders of other faiths participated in some events, especially in Almaty.

Religious organizations, including churches, must register with the Ministry of Justice in order to receive legal status (see Section 2.b.). Without registration, religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions. Registration requires an application submitted by at least 10 persons and it is usually a quick and simple process; however, some religious groups have encountered difficulties registering in certain jurisdictions. These groups include Jehovah's Witnesses and some Protestant groups, as well as Muslim groups independent of the Mufti. At year's end, three Protestant groups in different cities had experienced delays of up to 10 months in obtaining approval of their registration applications. One group of Jehovah's Witnesses in Petropavlovsk has attempted to register five times. They received four rejections and by year's end had not received a decision on their September 2000 application. One human rights monitor asserted that the Government typically claims that religious groups' charters do not meet the requirements of the law. For example, the law does not allow religious groups to engage in educating children without approval from the Ministry of Education, and many religions include education in their charters.

Local officials generally insisted that religious organizations register and in several instances, disrupted services by unregistered groups, which were required to suspend activities until they were registered. The National Law on Religion states that religious organizations are entitled to carry out activities without registration; however, an administrative code, which entered into force in February, allows local and national authorities to suspend the activities of any unregistered organization, including religious organizations. Local KNB officials disrupted some meetings in private homes of unregistered groups of Jehovah's Witnesses, Protestants, Adventists, Baptists, and other nontraditional groups throughout the country.

The Procurator General of the Republic and the Interior Minister have called for prohibiting the activities of unregistered religious organizations. In March the Kyzyl-Orda city court suspended activities of the local Jehovah's witness congregation for lack of registration and fined two members of the group \$50 each. The congregation did not have the required 10 adult members to register; however, the national Jehovah's Witness organization was registered and the congregation in Kyzyl-Orda was registered on July 2. A Kyzyl-Orda Oblast court upheld the suspension of April 9. In May a local prosecutor in Kulsary ordered the Iman (Love) Baptist church to suspend its activities until it registered; church representatives say the group lacks the minimum 10 adult members willing and eligible to sponsor the registration application. The church appealed; however, on May 6, an Atrau regional prosecutor upheld the order. According to a press report, the unregistered New Life Pentecostal Church in Kulsary, led by Pastor Taraz Somalyak, was also forbidden during the first half of the year from having further meetings until it registered.

In May the city court in Taraz rejected an appeal by the city prosecutor to revoke the registration and suspend the activities of one of the Taraz Jehovah's Witnesses congregations. The prosecutor's appeal, aimed at only one of the seven area congregations, alleged that Jehovah's Witnesses had violated the constitution by such actions as calling on members to refuse to perform military service or honor national symbols.

In October a court sentenced a Kyzyl-Orda Baptist Church pastor Valery Pak to 5 days in prison for failing to uphold a April 1 court order, which suspended the church's activities until it was registered. In an unconfirmed report, the Keston Institute alleged that Asulbek Nurdanov, a member of the same congregation, was beaten and threatened by local police on October 27. Following a second session of police questioning in early November, Nurdanov allegedly was committed to a psychiatric hospital for 4 days at the request of his father.

The Baptist congregation belongs to the Council of Churches of Evangelical Christians/Baptists, which has a policy of not seeking or accepting registration in former Soviet countries.

Government officials frequently expressed concerns about the potential spread of religious extremism from Afghanistan and other states. The KNB has characterized the fight against "religious extremism" as a top priority of the internal intelligence service.

In February, as part of its campaign to prevent the development of religious extremism, the Government sent to Parliament a draft series of amendments to the National Religion Law that would have placed restrictions on religious freedom; however, the Government withdrew the draft amendments on June 27. On November 15, it reintroduced draft amendments, which include a ban on "extremist religious associations," increase the membership required for registration, require the approval of the national Muslim organization for the registration of Muslim groups, and require that foreign religious organizations be affiliated with a nationally registered organization. The Government cited national security concerns as the reason for the reintroduction of the draft amendments; however, religious freedom organizations alleged that many small or nontraditional religious groups which pose no security threat will suffer as a result. Local NGO's and the OSCE were able to comment and make recommendations on the first five drafts of the law, which helped reduce some of the restrictive measures proposed. Other problems in the draft amendments include vague definitions such as "reactionary fundamentalism" and "religious sects", and administrative discretion in determining which groups are "religious" extremists.

Law enforcement authorities conducted inspections of religious groups throughout the country, in order, they asserted, to prevent the development of religious extremism and to ensure that religious groups pay taxes. These inspections also provided the authorities with information about the registration status of the religious groups being inspected, which in some cases led to suspensions pending the registration of the groups concerned.

President Nazarbayev expressed the Government's tendency towards greater wariness of religion in remarks he made on January 30, to an assembly of regional and local executive authorities known as akims. President Nazarbayev asked "What are akims for? Is it really difficult for you to use your powers to monitor the legality of the activities of (religious groups)--closing them, if necessary? It has become fashionable to build mosques, churches, and prayer houses willy-nilly on land set aside by akims, but nobody is asking whether the mosques and churches are needed."

Representatives of Jehovah's Witnesses alleged continuing incidents of harassment by a number of local governments. They claimed that city officials in Astana, Almaty, Ust-Kamenogorsk, Kostanay, Karaganda, Aktubinsk, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. The National Jehovah's Witness Religious Center reported that 20 legal cases were brought against their followers during the year. Of these 3 were civil cases and the remaining 17 were administrative--mainly infractions of the 1999 Administrative Code, which requires registration of organizations. In July a local congress of Jehovah's Witnesses in Semipalatinsk was visited by the Department of Internal Affairs and the akim's office. When the authorities arrived, the landlord told the participants they had to leave and hold the congress at another location. The KNB called participants in the congress into their offices and copies were made of their documents.

Unlike in the previous year, there were no reports of the prolonged detention of members of religious organizations for proselytizing. On occasion the authorities took action against groups engaged in proselytizing; however, these activities were limited to the confiscation of religious literature.

Foreign missionary activity is authorized under law, but only when missionaries are accredited by the State. The Constitution also requires foreign religious associations to carry out their activities, including the appointment of the heads of religious associations, "in coordination with appropriate state institutions." In practice many missionaries operate without accreditation. Although legally entitled to register religious organizations, foreign missionaries generally find that to be registered they must list a majority of local citizens among the 10 founders of the religious organization. Some foreign missionaries, whose presence is unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by junior government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize (these individuals often do not register as missionaries, as required by law.) Foreign missionaries have encountered some visa problems.

On April 9, three foreign teachers of English were charged under Administrative Code sections that regulate the hiring of foreign workers and proscribe violations by foreigners of their stated purpose in country. The Ministry of Foreign Affairs alleged that the teachers, "under the guise of educational activity," had been

distributing religious materials, assisting religious groups, and "illegally participating in religious rites." On April 10, the three tried to depart the country voluntarily, but were prevented from departing by airport border police because of the pending charges against them. They said that they were not notified of formal charges against them before they tried to depart. On April 16, a court in Aktau found them guilty of conducting "missionary" activities in violation of their visa status and fined them \$230 (33,000 tenge) and ordered them expelled from the country; the teachers were expelled on April 24.

The Law on Education forbids the activities of educational institutions, including religious schools, that have not been registered by the Ministry of Education. Although no religious schools are known to be registered, the Government apparently took no action against unregistered religious schools pending full implementation of the law. During the year, the Protestant seminary, which was closed in December 2000, and which allegedly was harassed for illegal business activities, was reopened. In December 2000, First Deputy Minister of Education Erlan Aryn sent a letter to all regional education departments rescinding an earlier ban on visits to schools by religious figures, humanitarian and other aid from religious organizations, and the rental of facilities to religious groups; however, Protestant groups reported that some schools had not implemented the new policy. In response to a 2000 request by the Ministry of Justice, the Jehovah's Witnesses amended their charter to eliminate education as a religious activity.

In 2000 an official from the Ministry of Education announced that the Foreign Ministry would "recall" all Kazakhstani students studying in religious institutions outside the country, a step considered by some observers to be aimed primarily at preventing young Muslims from being radicalized by militant Islamic education abroad. However, no actions were taken by the government to enforce this recall or to limit the ability of students to study abroad at religious institutions during the year.

In September the Jewish community opened a new synagogue in Pavlodar on land donated by the mayor of the city. Discussions were underway at year's end to find a location for a new synagogue in Astana. According to the Chief Rabbi, the Government allowed the community to place menorahs in front of government buildings during the year in Astana, Almaty, and Pavlodar.

President Nazarbayev supported a September visit by the Pope, which included meetings with the Government, diplomatic corps, leading clerics, and academia. The Pope celebrated an outdoor Mass to a crowd of 50,000, which was aired on national television and radio channels.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides the right to those who are legally present in the country to move freely on its territory and freely choose a place of residence except in cases stipulated by law; however, in practice citizens are required to register in order to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty and Astana due to their relative affluence and local officials' fears of overcrowding. The Government may refuse to register a citizen in order to limit the number of persons who can move to a certain city or area. During the year, many individuals were detained for identity checks without suspicion of a criminal offense (see Section 1.d.).

On July 26, the Government formally abolished the exit visa requirement for temporary travel of citizens. Although exit visas no longer are required, there remain certain instances in which exit from the country may be denied, including if there are pending criminal or civil legal proceedings, unserved prison sentences, evasion of duty as determined by a court of law, presentation of false documentation during the exit process, and travel by active-duty military. The law on national security requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country. A permanent exit visa still is required for emigrants. A permanent exit visa for intending emigrants requires criminal checks, documents from every creditor stating that the applicant has no outstanding debts, and letters from any close relatives with a claim to support giving their concurrence to the exit visa.

On July 15, despite the receipt of exit visas, the authorities denied RNPk representatives Amirzhan Kosanov and Yermurat Bapi passage through passport control and confiscated their passports; the two were attempting to travel to attend a U.S. Congress House of International Relations Committee hearing. The two opposition members claimed that airport authorities told them they were not allowed to leave "by order of the KNB leadership." Government authorities claimed the denial was a mistake, apologized to the two activists and returned their passports the next day; the activists did not attempt to reinitiate their travel.

In February the Ministry of Foreign Affairs approved regulations making it mandatory for any citizen abroad to register with the Kazakhstani diplomatic mission in that country, even if they intend to visit only for a few days. According to the Government, the regulation empowers Embassies to order citizens who are liable for military service to return to the country in the event of a military emergency; there were no reports during the year of

individuals who were forced to return under this regulation.

The Constitution provides for the right to emigrate and the right of repatriation, and these rights generally are respected in practice; however, the Law on National Security prohibits persons who had access to state secrets from taking up permanent residence abroad for 5 years after leaving government service. Citizens have the right to change their citizenship, but are not permitted to hold dual citizenship.

Foreigners must have exit visas, although they receive them routinely as part of their entry visa. Foreigners who overstay their original visas, or who did not receive exit visas as part of their original visas, must get exit visas from the immigration authorities before leaving. Foreign visitors are required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local Office of Visas and Registration (OVIR). In June the Government simplified foreign citizens' visa registration by establishing an OVIR office at the Almaty and Astana international airports. Foreigners no longer are required to register in every city they visit; one registration with OVIR is sufficient for travel throughout the country. Immigration authorities occasionally fined or refused to allow foreigners without proof of registration to leave the country (see Section 2.c.).

Foreigners are required to obtain prior permission to travel to some border areas with China and cities in close proximity to military installations. During the year, the Government declared the following areas closed to foreigners due to their proximity to military bases and the space launch center: Gvardeyskiy village, Rossavel village, and Kulzhabashy railway station in Zhambyl Oblast; Bokeyorda and Zhangaly districts in Western Kazakhstan Oblast; the town of Priozersk and Gulshad village in Karaganda Oblast; and Baykonur, Karmakshy, and Kazakly districts in Kyzylorda oblast.

The Government accords special treatment to ethnic Kazakhs and their families who fled during Stalin's era and wish to return. Kazakhs in this category are entitled in principle to citizenship and many other privileges; however, due to a lack of financial resources in the budget, many returnees were not paid the benefits for which they were eligible. Other persons, including ethnic Kazakhs who are not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the previous century, must apply for permission to return. However, it is the stated policy of the Government to encourage and assist all ethnic Kazakhs living outside the country to return. Since independence approximately 190,000 ethnic Kazakhs, mostly from other former Soviet Union countries, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. The Government struggled to find resources for integration programs for these immigrants, some of whom lived in squalid settings.

Ethnic Kazakh migrants are automatically eligible for citizenship. The Government has made significant progress in granting citizenship to those ethnic Kazakhs who returned prior to 2000. NGO's estimated that 50 to 75 percent of ethnic returnees have been granted citizenship. During the year, the Government introduced a system of quotas for returning Kazakh migrants--a total of 600 families was set for the year. The Government helped provide the 600 families with housing, stipends, and other benefits; however, during the summer, more than 10,000 additional Kazakh migrants returned to the Southern Kazakhstan Oblast; they did not receive benefits.

In 1999 the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government had not passed implementing legislation in accordance with the Refugee Convention by year's end. The absence of implementing legislation left unclear many aspects of the status of refugees, such as whether they have a right to work. Following the passage of a 1997 migration law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the U.N. High Commissioner for Refugees (UNHCR). The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government allowed the UNHCR access to detained foreigners. Migrants from former Soviet Union countries are not considered to be refugees because they may travel and settle freely in any CIS country. The Government has not allowed refugees without passports to register and has restricted registration largely to refugees from Afghanistan. All non-CIS citizens are considered to be intending immigrants. However, in practice the Government is tolerant in its treatment of local refugee populations.

The Agency for Migration integrates the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims; however, the limited resources of the agency impeded the processing of many cases. The Government provides first asylum for certain categories of refugees, including certain categories of Afghan refugees. Only the President can grant political asylum and he is known to have done so only once since independence in 1991. Non-political asylum claims are processed only in Almaty, which is as far as 2,000 miles from other major cities. By September the Government had registered 1,211 asylum seekers and accorded refugee status to approximately two-thirds of them. The UNHCR estimated that there were approximately 20,000 refugees in the country (at least 12,000 Chechens from Russia, approximately 5,000 persons from Tajikistan, 2,500 from Afghanistan, and 500 from other countries). During the year, there

was a large influx of Chechens fleeing the conflict with the central authorities in Russia. Consistent with the Minsk Convention on Migration within the CIS, the Government did not formally recognize Chechens as refugees; however, the Government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite legal resident status to Chechens until they could return home to safe conditions. Chechens in the village of Krasnaya Polyanka reported that they were denied resident registration, which limits their ability to travel outside their village and seek employment or education (see Section 5).

Agreements with the Government of Russia that established broad legal rights for the citizens of one country living on the territory of the other and provided for expeditious naturalization for citizens of one country who moved to the other entered into force in 1999. This agreement has not been applied widely to the resident Chechen population.

Kazakhstan and China agreed in December 1999 not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned with the impact of this agreement on Uighurs from China present in Kazakhstan. The Government did not consider any asylum claims from Uighurs; it was unclear whether any Uighurs applied. In general the Government was tolerant toward the Chinese Uighur population. There were no known cases of the Government returning Uighurs to China since February 1999, when the Government returned three Uighurs. The Chinese authorities had accused the three of murdering a policeman; Amnesty International reported evidence that at least one was wanted for "separatist" activities. Some reports indicate that the three men subsequently were executed upon return to China, but this information has not been confirmed.

There were no reports of the forced return of persons to a country where they feared persecution. However, representatives of the International Organization for Migration (IOM) and the KIBHR noted a rise in the frequency of deportations without a court ruling during the year. On June 29, the authorities expelled 93 citizens from Tajikistan who stayed longer than the maximum three days transit in the country on their way to Russia. Since the beginning of the year, 240 citizens from the former Soviet Union have been deported from the country. In late September, approximately 700 migrant traders with Kyrgyz citizenship were unlawfully deported.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a democratic government with universal suffrage for those over 18 years of age; however, in practice the Government severely limited the right of citizens to change their government. The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. He has the power to dismiss Parliament. He appoints judges, senior court officials, and all regional governors. The President directly appoints the chairman and members of the Central Elections Commission (CEC), who oversee presidential and parliamentary elections. Modifying or amending the Constitution is nearly impossible without the consent of the president.

President Nazarbayev was elected to a 7-year term in a 1999 election that was held nearly 2 years earlier than previously scheduled and that fell far short of international standards.

In October 1999, the President and the Parliament passed, without any prior public notice, a series of 19 constitutional amendments that enabled them to call early presidential elections. Among other changes, the constitutional amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service (The President will be 65 years of age before the end of his 7-year presidential term.). Government opponents and international observers criticized the short-notice call of early elections because it did not leave enough time for the Government to implement promised electoral reforms and for intending candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates seeking to qualify for the 1999 presidential ballot. Candidates were required to submit petitions with 170,000 signatures, to pass a Kazakh-language test, and to make a nonrefundable payment of approximately \$30,000 (2.4 million Tenge). In October 1998, less than 1 week after the early presidential election was called, the Government resorted to a provision of the presidential decree on elections, passed in May 1998, that prohibited persons convicted of administrative offenses from running for public office within a year of their conviction. Five opposition leaders, including former Prime Minister Kazhegeldin, were then summoned and tried for participating in a nonregistered organization. A sixth was disqualified for a previous conviction. The Supreme Court upheld the disqualification.

In 1998 the OSCE Office for Democratic Institutions and Human Rights (ODIHR) announced that it would not

meet the Government's request to send a presidential election observation mission. In its public explanation, the ODIHR cited concerns about the exclusion of two opposition candidates, unequal access to the media, and coerced support for President Nazarbayev. The ODIHR sent a small election assessment team to report to the OSCE on the full election process, which concluded that the presidential election fell "far short" of the country's commitments as an OSCE participating state. It cited in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

A newly elected bicameral legislature took office in December 1999. Although in many ways an improvement over the presidential election, parliamentary elections held in 1999 were marred by election law deficiencies, executive branch interference in the electoral process, and a lack of government openness regarding vote tabulations. There was convincing evidence of government manipulation of results in some cases. The OSCE mission sent to observe the elections concluded that the elections were "a tentative step" toward democracy but "fell short of (Kazakhstan's) OSCE commitments."

The lower house (Majilis), consisting of 77 members, was elected directly in October 1999. Under amendments to the Constitution passed in 1998, membership in the Majilis elected in 1999 included 10 new seats assigned proportionally to political parties based on the percentage of votes they received nationally (with a minimum vote threshold of 7 percent). The other 67 seats were attributed by single mandate districts. The upper house (the Senate) consists of 39 members, 32 of whom are elected directly by members of oblast and city parliaments; the President appoints the remaining 7 senators. Elections were held in September 1999 for 16 Senate seats. The election law requires candidates for both houses to meet minimum age and education requirements and to pay a nonrefundable registration fee of 25 times the minimum monthly wage of \$500 (approximately 70,000 tenge). This fee represented a 75 percent decrease over previous registration fees, which opposition figures, human rights monitors, and the OSCE/ODIHR had considered a barrier to participation. The law does not require Majilis candidates to collect a certain number of signatures in order to be placed on the ballot; however, Senate candidates must obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Majilis must be registered by the CEC and regional electoral commissions in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana). The 1999 Constitutional amendments also extended the terms of members of Parliament from 4 to 5 years for the Majilis and from 4 to 6 years for the Senate.

The introduction of 10 new seats for the 1999 parliamentary elections in the Majilis distributed by party-list vote enhanced the role of political parties, which, with the exception of the Communist Party, were previously very weak. The Communist Party and three pro-presidential parties--Otan (Fatherland), the Civic Party, and the Agrarian Party--shared the 10 new party-list seats in the 1999 parliamentary election. No candidate nominated by a non-Communist opposition party won a seat in the Parliament. One member of the opposition RNPk won a seat after running as an independent candidate. The RNPk withdrew its party-list slate after two of its candidates, Akezhan Kazhegeldin and Madel Ismailov, were declared ineligible (they were the only 2 candidates rejected of more than 600 applicants for Majilis contests). Of the more than 600 other candidates, approximately half ran as independents.

The legislature exercises little oversight over the executive branch, although it has the constitutional authority to remove government ministers and to hold a no-confidence vote in the Government. During the year, the legislature exercised its authority over proposed legislation by sending it back to the executive branch. Although Parliament must approve the overall state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. Nearly all laws passed by Parliament originate in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for Members of Parliament to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. The executive branch blocked legislation on establishing Parliamentary staff, which Parliament passed on October 18; the law was found unconstitutional because Parliament may not make additions to the state budget. Should Parliament fail to consider within 30 days a bill designated as "urgent" by the President, the President may issue the bill by decree. Although the President has never resorted to this authority, it gives him additional leverage with Parliament. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, which is appointed by the President (see Section 1.e.).

Many activities of Parliament remained outside public view. In June 1999, Parliament banned the press and other outsiders from observing the vote of confidence in the Government. Final totals in the parliamentary vote of confidence were made public, but not the votes of individual members. However, during the year, the Parliament continued to become more open by publishing important draft laws and for the first time, publishing its voting record on the national media law (see Section 2.a.). In addition, M.P.'s were more open to meeting with interest groups and listening to their views on draft legislation.

In February 2000, a team of OSCE representatives visited Astana to discuss the final OSCE report on the parliamentary elections; government officials agreed during the visit to an OSCE proposal for a series of roundtable discussions of the electoral reforms recommended in the report. The agreement called for broad participation in the discussions, including by representatives of the Government, all registered political parties, other political movements, and NGO's. In September 2000, the first of four planned sessions took place. Participants agreed to a future work plan with the inclusion of the OSCE and all political parties registered in 1999 in a parallel government working group on electoral reform. On January 25, three political opposition parties (Azamat, People's National Congress, and RNPk) withdrew from the process, stating that the Government was not responsive to their suggestions. The final meeting of the working group was rescheduled from September to January 2002. In October, prior to the final meeting and report of the working group, an OTAN party draft of the new law on elections was submitted to Parliament. At the urging of the OSCE and diplomatic community, the Parliament agreed to remove the reading of the draft from the agenda until after the final meeting and report of the working group.

According to the Constitution, the President selects Governors of oblasts (the "akims"), based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. On October 20, experimental local district akim elections were held, representing the first tentative movement away from Presidential appointment of local district akims. In each of the 14 oblasts, elections were held to fill 2 local akim positions; the positions to be elected were chosen by the oblast administration. The local akims were elected by secret ballot by a group of "electors." These electors were chosen by local residents through a public "show of hands" vote. The OSCE noted that a number of legal provisions regarding the election did not meet international standards; in particular, the OSCE stated that the procedure violated international standards which require a secret ballot and did not provide transparency while counting and registering election results.

On November 18, six senior government leaders, six members of parliament and several businessmen founded a major new nongovernmental political movement, the Democratic Choice of Kazakhstan (DVK). Several days after the DVK's founding, the six senior government officials were fired at the request of the Prime Minister. On December 19, parliamentary deputy Bulat Abilov was expelled from his party slate seat in parliament after leaving a pro-presidential party to join the DVK. Despite the firings, President Nazarbayev met with DVK representatives, endorsed their goals of more political and economic reform, and said that he hoped to see some of them in future governments.

The percentage of women in government and politics does not correspond to their percentage of the population. There are no legal restrictions on the participation of women and minorities in politics; however, the persistence of traditional attitudes means that few women hold high office or play active parts in political life. At the end of the year, no women held ministerial portfolios, although one had ministerial rank and three deputy ministers are female. There were no female provincial governors (akims). Of 39 Senate members, 5 are female; of 77 Majilis members, 8 are female.

The percentage of minorities in senior government positions does not correspond to their percentage of the population. Although minority ethnic groups are represented in the Government, ethnic Kazakhs hold the majority of leadership positions. Nearly half the population are non-Kazakhs according to the national census completed in 1999. Non-Kazakhs hold 1 of 3 positions as vice premier and head 2 of 14 government ministries and the national bank. Non-Kazakhs are underrepresented in the Majilis and the Senate. In Parliament 7 senators are non-Kazakhs, and 19 members of the Majilis are non-Kazakhs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases; however, some human rights observers reported that the Government monitored their movements and telephone calls (see Section 1.f.). In addition in April and June, several NGO participants in an NDI- and OSCE-supported campaign against media law amendments were harassed by local law enforcement, prosecutors, finance police, and tax police (see Section 2.a.).

The Kazakhstan International Bureau for Human Rights and Rule of Law (formerly the Kazakhstan-American Bureau on Human Rights) and the Almaty Helsinki Commission are the most active of a small number of local nongovernmental human rights organizations. They cooperate with each other on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Some human rights observers periodically have received threatening or harassing telephone calls; however, the source of these calls is unknown.

In general the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption; however, the Government tended to deny or ignore charges of specific human rights abuses that were levied by both international and domestic human rights monitors and individual citizens.

The Civil Code requires NGO's to register with the Government, and most NGO's are registered (see Section 2.b.); however, some continued to operate without legal standing. Some NGO's chose not to register because they objected to the requirement of registration in principle or because they did not have the money to pay the registration fee.

An increasing number of government officials made an effort to work with domestic and foreign NGO's, although others persisted in asserting that NGO's should stay out of sectors of government interest. A coalition of NGO'S, which became active in lobbying Parliament over the draft local government law in 2000, remained active and focused attention on draft media, religion, and election laws. The coalition successfully lobbied Parliament to publish the legislative drafts and convinced Parliament to reject the draft media law, although this decision later was reversed (see Section 2.a.).

The Government permitted international and foreign NGO's and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization (ILO), the International Federation of Red Cross and Red Crescent Societies (ICRC), the UNHCR, the IOM, and the OSCE have permanent offices in the country.

The Presidential Commission on Human Rights is a consultative and advisory body. It prepares annual reports to the President that can be released to the public only with the President's consent. The Commission provides free legal and consultative assistance to citizens. In addition, the Commission monitors fulfillment of international human rights conventions and proposes legislative improvements. The Commission receives complaints from citizens in person, by telephone or in writing. In the first half of the year, the Commission received more than 300 written complaints. According to the Commission, the majority of complaints are economic or social in nature, such as nonpayment of benefits and nonpayment of salaries. Complaints relating to conditions of military service, education, abuses by investigative authorities, and nonenactment of court decisions also were common. Local NGO's and human rights monitors alleged that the Commission tended to deny or downplay charges of abuses of civil liberties and political rights. NGO's believe that the Commission, due to its status as a Government body, is influenced by the Government and downplays cases.

In 1999 the Commission proposed the establishment of a human rights ombudsman; legislation to create an ombudsman was being reviewed by the Ministry of Justice at year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "everyone is equal before law and court. No one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence, or any other circumstances;" however, the Government does not enforce this provision effectively on a consistent basis. The Government has favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women

Violence against women, including domestic violence, was a problem. In a 1999 government survey, 28 percent of women surveyed indicated that they had been victims of domestic abuse. Most respondents correlated domestic abuse with physical or sexual assault and not with psychological or economic abuse. The Ministry of Interior reported 190 cases of rape filed with police in the first 10 months of the year. Of these cases, the Ministry reported that 80 percent occurred at work or in educational institutions, and that the majority of victims knew their rapist. The NGO Women's Information Center reported over 13,000 crimes committed against women in the first 6 months of the year, among which more than 8,800 were considered grave crimes. NGO activists and prison officials stated that domestic violence was a significant factor in the majority of cases of women serving sentences for murder. In a December conference on sexual violence, the Ministry of Interior representative reported that approximately 68 percent of female prisoners might be in prison on charges resulting from domestic violence.

There is no specific law on domestic violence; however, it may be addressed under assault and battery provisions of the Criminal Code. There is no law that specifically prohibits spousal rape. The maximum sentence for wife beating is 3 years. The punishment for rape can range from 3 to 15 years imprisonment.

There was no information on the percentage of crimes against women that have been prosecuted successfully, but police often are reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believe that the abuse is life threatening. Under the Criminal Procedure Code, prosecutors may not initiate a rape case, absent aggravating circumstances such as gang rape, unless the victim files a complaint. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and personally prosecute rape cases themselves. Police also may not detain a person legally for more than 72 hours if the victim refuses to provide a written complaint and in most cases, women refuse to follow through with charges. An Almaty crisis center reported that out of 477 women who came to the center during 2000, only 7 actually followed through with charges. Of those seven cases, five either were not accepted for trial because the prosecutors did not feel there was sufficient evidence, or were lost in court; two cases remained pending at year's end. During the year, new domestic violence units opened within the Almaty and Astana police departments. A women's crisis center in Almaty stated that the Almaty police are very effective when there is a complaint. There is very little reporting on rape in the press.

Prostitution is legal; however, forced prostitution or prostitution connected to organized crime is illegal. Prostitution was a serious problem.

Trafficking in women was a serious problem (see Section 6.f.).

The Criminal Code and the Labor Code prohibit sexual harassment. A 1999 survey showed that 10 percent of women reported that they were exposed to or witnessed cases of sexual harassment in the 3 months prior to the survey.

There is no legal discrimination against women, but traditional cultural practices limit their role in society and in owning and managing businesses or property. The President and other members of the Government speak in favor of women's rights, and official state policy (adopted in 1997) states that constitutional prohibitions on sex discrimination must be supported by effective government measures; however, women are underrepresented severely in higher positions in state enterprises and overrepresented in low-paying and some menial jobs. Women have unrestricted access to higher education.

Approximately 30 women's rights organizations are registered, including the Feminist League, Women of the East, the Almaty Women's Information Center, and the Businesswomen's Association. In September 2000, the Government announced the creation of a \$4.5 million (661 million tenge) fund to provide loans to female entrepreneurs; however, the fund had not distributed any loans by year's end.

Children

The Government is committed to children's rights; however, budget stringencies and other priorities severely limit its effectiveness in dealing with children's issues. Education is mandatory through age 16, although students may begin technical training after the 9th grade. Primary and secondary education is both free and universal. The law provides for equal access to education by both boys and girls.

There is no societal pattern of abuse against children. Rural children normally work during harvests (see Section 6.d.).

Trafficking in girls was a problem (see Section 6.f.).

There is one local NGO that works with juveniles released from prisons.

Persons with Disabilities

Citizens with disabilities are entitled by law to assistance from the Government and there is no legal discrimination against persons with disabilities; however, in practice employers do not give them equal consideration. Assisting persons with disabilities is a low priority for the Government. There are laws mandating the provision of accessibility to public buildings and commercial establishments for persons with disabilities; however, the Government does not enforce these laws. There have been some improvements to facilitate access in Almaty and Astana, such as wheelchair ramps.

Mentally ill and mentally retarded citizens can be committed to institutions run by the State; these institutions are poorly run and inadequately funded. The NGO, Kazakhstan International Bureau for Human Rights, observed that the Government provides almost no care for the mentally ill and mentally retarded due to a lack of funds.

Religious Minorities

Many media outlets (both official and independent), including some of the most widely distributed, have presented as objective news allegations that nontraditional religious groups present a threat to national security and social cohesion. Articles on Jehovah's Witnesses and Baha'i faiths were particularly confrontational. The presence of some foreign missionaries is unwelcome to some Muslim and Orthodox citizens (see Section 2.c.).

National/Racial/Ethnic Minorities

According to the Government, the population consists of approximately 53 percent Kazakhs and 30 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others) with many other ethnic groups represented, including Uzbeks and Germans. The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment, where ethnic Kazakhs predominate. President Nazarbayev has emphasized publicly that all nationalities are welcome to participate; nonetheless, many non-Kazakhs remain concerned about what they perceive as expanding preferences for ethnic Kazakhs (see Section 3).

Most of the population speaks Russian and approximately half of all ethnic Kazakhs speak Kazakh fluently. According to the Constitution, the Kazakh language is the official state language. The Constitution states that the Russian language may be used officially on a basis equal with that of the Kazakh language in organizations and bodies of local self-administration. In September Southern Kazakhstan Oblast announced that it would conduct all oblast administrative business in Kazakh; as a result, the Oblast conducts business in both Kazakh and Russian. Some ethnic Russians believe that Russian should be designated as a second state language. The Government has encouraged more education of children in the Kazakh language, but it has done little to provide Kazakh-language education for adults. The language law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages; however, it has not been funded sufficiently to make Kazakh-language education universal.

Kazakhstani Chechens in the village of Krasnaya Polyanka reported that local officials block applications for passports and local identification of their Kazakhstani-born children, especially young men. This lack of documentation prohibits travel outside the village, enrollment in institutes and universities, and employment.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide for basic worker rights, including the right to organize; however, the Government at times infringed on these rights. Some workers remained members of state-sponsored trade unions established during the Soviet period, when membership was obligatory. At some enterprises, the state-sponsored unions continued to deduct 1 percent of each worker's wage as dues. The state unions are controlled by the Government and at times have discouraged workers from forming or joining independent unions.

A collective bargaining law gives workers the right to join or form unions of their choosing and to stop the automatic dues deductions for the state unions. The Confederation of Free Trade Unions (CFTUK), formerly the Independent Trade Union center of Kazakhstan, claims a membership of approximately 300,000 persons; however, the actual number of independent trade union members is estimated to be much lower. The progovernment Federation of Trade Unions claims 4 million members; however, observers believe that figure is too high.

To obtain legal status, an independent union must apply for registration with the local judicial authority at the oblast level and with the Ministry of Justice. Registration is generally lengthy, difficult, and expensive. The process of registering a union appears to be completely subjective, with no published criteria. During the year, 28 new trade unions were registered; no trade unions were denied registration. The two major independent trade union confederations, the Federation of Trade Unions and the Confederation of Trade Unions, are registered. Courts may cancel a union's registration; however, there were no such cases during the year.

The Constitution provides for the right to strike, and unions and individual workers exercised their right to strike during the year, primarily to protest the nonpayment of wages and in an attempt to recover back wages owed to workers. According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved by means of existing conciliation procedures. In addition, the law requires that employers be notified that a strike is to occur no less than 15 days before its commencement. The nonpayment of wages continued to be the priority issue for workers, and there were numerous strikes throughout the country to protest the

nonpayment of wages and unsafe working conditions. In May a group of 13 workers at the Sokolov-Sarbay factory in Kostanai Oblast participated in hunger strikes to protest the plant's decision to lay off a portion of the facility's workers. During the year, activist unions came under government pressure for holding unsanctioned demonstrations and marches.

In 2000 workers of the Uralsk "Metallist" factory, led by the independent trade union of the factory, conducted mass meetings demanding the full payment of salaries. In August 2000, a second strike at the factory ended when the regional akim promised workers that they would receive the 3 years back pay they demanded. In October a commission to investigate the situation was created; however, the Commission had not made a finding at year's end and no back wages had been paid.

The Constitution prohibits the operation in the country of foreign trade unions and prohibits the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. Some associations of trade unions were able to receive financing from foreign sources by registering as "public organizations" rather than labor unions. The law does not forbid other nonmonetary types of assistance such as training; participation in training programs appeared to increase during the year.

By law unions freely may join federations or confederations and affiliate with international bodies. Most independent trade unions belong to the CFTUK. The Independent Miners Federation of Kazakhstan and the State Miners' Union of Karaganda are members of the Miners' International Federation. Unions belonging to the CFTUK are not members of international federations but are able to maintain contacts with foreign trade union federations.

b. The Right to Organize and Bargain Collectively

The law permits collective bargaining and collective agreements. If a union's demands are not acceptable to management, it may present those demands to an arbitration commission composed of management, union officials, and independent technical experts. In January 2000, a new Labor Law entered into effect that provides for an individual contract between employee and each employee. Collective bargaining agreements are allowed as long as they do not reduce protections afforded to the workers in their individual contracts or under law; previously the terms of contracts were set only by law and collective bargaining agreements. The law gives employers the right to fire an employee without the consent of the employee's union. An employee still may choose to be represented by a union in a labor dispute; however, the employee has the option of choosing other representation as well.

There is no legal protection against antiunion discrimination. The law does not provide mechanisms to protect workers who join independent unions from threats or harassment by enterprise management or state-run unions. Members of independent unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. According to independent union leaders, state unions work closely with management to ensure that independent trade union members are the first to be fired in times of economic downturn. In March the Sokolov-Sarbay Ore Mining and Enrichment Plant in Kostanai Oblast fired all members of the independent trade union "Zhelyznodorozhnik" (Railroadman). Fired union members appealed to the courts, where the decision to fire the workers was upheld. In June there were three instances when the Chairman of the Tentenskaya Coal Mine Independent Union was barred from the mine's territory by mine security.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor except "at the sentence of the court or in the conditions of a state of emergency or martial law;" however, trafficking in women, primarily to other countries was a problem (see Section 6.f.).

The National Labor Law prohibits forced and bonded labor by children; however, trafficking in children, primarily teenage girls, to other countries was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 14 years, but only for part-time work (5 hours a day) that is not physically onerous. Children from the ages of 16 to 18 can work full-time provided that they are not required to do any heavy work. The Government has acknowledged that children in this age group work in construction and other heavy industries but report that duties for children are limited to washing windows, general cleaning, laying tile,

and similar nonstrenuous activities. A child between the ages of 14 and 16 may work only with the permission of his or her parents. The law stipulates harsh punishment for employers who exploit children under the age of 16. The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MVD is responsible for criminal offenses. The Criminal Code allows for fines up to \$25,000 (3,675,000 tenge) and 2 years in prison in cases in which a minor is injured or placed in unhealthy conditions. Child labor is used routinely in agricultural areas, especially during harvest season; but abuse of child labor generally is not a problem.

In September 2000, the President signed ILO Convention 182 on the Rights of Children on the Sale of Children; however, the Parliament had not ratified it by year's end.

The National Labor Law prohibits forced and bonded labor by children; however, trafficking in children, primarily teenage girls, to other countries was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The Government sets the monthly minimum wage, which was \$24 (3,484 tenge), an increase of approximately \$4 from 2000. The minimum monthly pension remained approximately \$25 per month (3,500 tenge). The minimum wage does not provide a decent standard of living for a worker and family. The minimum wage also was below the minimum subsistence amount \$26 (4,007 tenge) for one person as calculated in 2000 by the Kazakhstan Institute of Nutrition. However, the average monthly wage was \$119 (17,892 tenge) compared with an averaged monthly wage in 2000 of \$95.12 (13,521 tenge). Monthly average wages during the year grew 19 percent over 2000.

The legal maximum workweek is 48 hours, although most enterprises maintained a 40-hour workweek, with at least a 24-hour rest period. The Constitution provides that labor agreements stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

The Constitution provides for the right to "safe and hygienic working conditions;" however, working and safety conditions in the industrial sector are substandard. Safety consciousness in both employees and employers is low. Workers in factories usually do not wear protective clothing, such as goggles and hard hats, and work in conditions of poor visibility and ventilation. Management largely ignores regulations concerning occupational health and safety, which are not enforced by the Ministry of Labor and the state-sponsored unions. In January budget responsibility for labor inspectors was moved from local budgets to the Ministry of Labor. This resulted in an increase in the number and frequency of labor inspector visits; however, the frequency of inspections remained insufficient to provide for occupational health and safety. Workers, including miners, have no legal right to remove themselves from dangerous work situations without jeopardy to continued employment.

Foreign workers, those legally present with labor permits, are provided with the same minimum wages and labor standards as local workers under the law. Legal foreign labor is limited by a quota of 10,500 workers per year, which generally is filled by Turkish, Western European, and American workers in the oil industry. These highly skilled workers earn more on average than local workers and enjoy work and living standards above the local standards. However, illegal workers are not covered under labor laws and do not receive the same legal protections. These illegal workers are generally unskilled migrant laborers from Uzbekistan, Kyrgyz Republic, and Tajikistan, who cross into southern Kazakhstan seeking agricultural jobs. They frequently are paid considerably less than local workers and work in substandard conditions. Law enforcement agencies in Southern Kazakhstan Oblast report that during an investigation the week of April 16-22, more than 586 illegal migrant workers were discovered. The authorities deported 222 persons and another 129 were imprisoned.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although government officials generally maintained that prosecutors effectively could charge traffickers under the existing Criminal Code; trafficking in women and girls was a problem. There is no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials is widespread (see Section 1.c.). In June 2000, the official press reported that customs and border officials were under investigation for possible complicity with a trafficking ring in the southern part of the country; however, no charges had been brought against any officials by year's end.

Kazakhstan is a country of origin and transit for trafficking, and there is some anecdotal evidence that the country also may be a destination country in a few cases. Trafficking within the country also may occur. Women and girls from Kazakhstan were trafficked to the United Arab Emirates (UAE), Greece, Turkey, Israel, and South Korea. Reportedly women from the Kyrgyz Republic also were trafficked through the country to the same destinations. There is some evidence of Kyrgyz laborers (men and women) being trafficked to Almaty

Oblast (just across the Kyrgyz-Kazakh border) to work as laborers in tobacco fields.

There are no official statistics on trafficking, but women's rights groups and the IOM stated that the problem was serious and growing. Experts estimated that approximately 5,000 women have been trafficked in the past 10 years. In 1999 according to the MVD, 25 women were repatriated from Greece, 21 from the UAE, 16 from Turkey and 3 from Israel. Law enforcement agencies registered 300 reported cases of trafficking from January to October. Traffickers target young women in their teens and twenties. According to the Kazakhstan Crisis Center for Women and Children, most women were recruited with promises of good jobs or marriage abroad. Travel, employment, and marriage agencies often recruit victims through advertisements promising lucrative jobs in other countries. Offers to participate in international beauty contests also are used. Formerly trafficked women reportedly have recruited new victims personally. Many trafficking victims appear to be aware or at least to suspect that they are going to work as prostitutes, but not that they will be working under slavery-like conditions. NGO's state that the rising number of women being trafficked from the country is due to the lack of employment opportunities and lack of information about trafficking. Most trafficked persons travel to their destinations on passports obtained abroad, most often from Russia or the Kyrgyz Republic.

There are no laws that specifically prohibit trafficking; however, there is an article of the criminal code that address trafficking in minors. The criminal code provides punishment of up to 3 years in jail for illegal involvement in prostitution. Prostitution is legal; however, prostitution connected with organized crime is punishable by up to 5 years in jail. According to Article 135, the kidnaping of persons is punishable by a term of up to 7 years. An organized group working for sexual or other exploitation can be punished with up to 15 years in prison and confiscation of property. Within the Government, the National Commission for Women's and Family Issues (the National Commission) has taken the lead to address trafficking. Law enforcement agencies and the KNB have investigated specific cases of trafficking. In July a regional court convicted a man of trafficking young women and sentenced him to 4 years in prison. According to the regional court, since 1999 the man had trafficked 15 women overseas. Two women that he trafficked to Switzerland were able to escape and return to the country where they brought charges against him with the regional court.

In May the Government formed a working group to draft amendments to strengthen existing legislation and to address trafficking specifically; no legislation had been passed at year's end. In June the Government reinstated required licensing for tourist agencies in an effort to uncover agencies involved in trafficking. The Prosecutor General's office conducted several inspections between September and December, and found that many tourist agencies failed to provide for the return of their clients to Kazakhstan. The Prosecutor General reported that most of these tourist agencies closed voluntarily after the inspections.

There is no government assistance for trafficked women who have returned to the country; however, NGO's run crisis support centers that provide assistance.

The Government does not run any trafficking prevention programs; however, nongovernmental efforts to combat trafficking in persons continued and the Government cooperates with this groups. In May NGO's hosted a joint Central Asian Conference on trafficking. Attending NGO's participated in a 1 day training session on professional methods of covering antitrafficking issues. Organizers published a manual with instructions for conducting information campaigns, creating educational programs for schools and university students and monitoring trafficking incidents. The results of the conference were released to the public through a series of press conferences. Media attention to the trafficking problem also has increased through advertisements and poster campaigns.